

REMARKS/ARGUMENTS

Claims 17 and 23-28 were pending in the application. With this amendment, claims 17, 20 and 20-23 are amended and claims 26-28 are canceled. Claims 17 and 23-25 are therefore pending in the application.

Claim 17 has been amended to include the limitations of claim 28. Claims 20-23 have been amended to overcome the Section 112, second paragraph, rejection. No new matter has been added.

Claims 23-28 stand rejected under 35 U.S.C. § 112, second paragraph, as indefinite for the inclusion of the term "at least about." Claims 26-28 have been canceled, therefore the rejection is moot as applied to these claims. Claims 23-25 have been amended to delete the alleged offending phrase and to rewrite the claims to overcome the Section 112, second paragraph, rejection. Applicants submit that with the amendment to claims 23-25 (which Applicants submit does not affect the scope of the claims), this rejection has been overcome. Withdrawal of this rejection is hereby respectfully requested.

Applicants thank Examiner Venkat for the telephone call and discussion of March 15, 2010 offering suggestions for amending the claims to place the application in condition for allowance. Specifically, the Examiner proposed amending claim 17 to include the features of claim 28 and to limit the second solubilized polymer to acrylate. Coupled with the data included in the specification evidencing the surprising discovery of synergistic combination of the claimed invention, the Examiner indicated the claims might be considered allowable over the cited references. In view of the Examiner's suggestions, Applicants have amended claim 1 to include the features of claim 12. However, Applicants submit that the data relied upon for evidencing the synergies resulting from Applicants' invention is sufficient to include poly(meth)acrylate polymers, as recited in claim 17.

More specifically, the summaries of comparisons of the performance of the compositions of the invention and various controls are provided on pages 14, 15 and 19 of the specification. As identified in the footnote of these summaries, the tests were conducted using a mixture of polyurethane/polyacrylate, which is identified in the footnote as a mixture of polyurethane and acrylates copolymer with polyurethane as the major component. As shown in the attached International Cosmetic Ingredient Dictionary and Handbook, the term "acrylates copolymer" is defined as "a copolymer of two or more monomers consisting of acrylic acid, methacrylic acid or one of their simple esters. Accordingly, the term "acrylates copolymer" includes both acrylate and methacrylate copolymers; therefore, the summaries support claim 17 as pending which recites poly(meth)acrylates.

Applicants submit that in view of the above, Applicants submit that the currently pending claims, as amended, are patentable over the cited art and in condition for allowance.

Conclusion

It is believed that the above amendments and remarks overcome the Examiner's rejections of the claims. Withdrawal of those rejections is respectfully requested. Allowance of the claims is believed to be in order, and such allowance is respectfully requested.

Respectfully submitted,



James C. Abruzzo
Attorney for Applicant(s)
Reg. No. 55,890

Akzo Nobel Inc.
Legal, IP & Compliance
120 White Plains Road, Suite 300
Tarrytown, New York 10591
Tel No.: (914)333-7448